

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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BARRY P. DEGNER,

Plaintiff,

Case No. 05-C-1256

v.

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. HOUSEHOLD MORTGAGE  
FUNDING CORP., III, HOUSEHOLD  
MORTGAGE SERVICES, n/k/a HSBC  
MORTGAGE SERVICES, USA FUNDING  
CORP., O'DESS and ASSOCIATES, S.C.,  
M. ABIGAIL O'DESS and CHAD F.  
KOWALEWSKI,

Defendants.

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**OPINION AND ORDER**

Having reviewed the Complaint, the court ORDERS that the Plaintiff's "Emergency Motion for Temporary Restraining Order" (filed December 5, 2005, IS DENIED. The Plaintiff admits that the Defendants have not been served and the court does not find that the facts warrant an *ex parte* procedure.

IT IS FURTHER ORDERED that the Plaintiff's "Petition to Proceed Without Prepayment of Fees and/or Costs" (filed December 5, 2005) IS DENIED. The court finds that the Plaintiff has sufficient assets and the ability to support a "domestic partner" and, therefore, has the resources to pay the filing fee. Unless the \$250.00 filing fee is tendered to the Clerk of this court on or before December 23, 2005, this action will be dismissed.

Done and Ordered in Chambers at the United States Courthouse,  
Milwaukee, Wisconsin, this 5th day of December, 2005.

s/ Thomas J. Curran  
Thomas J. Curran  
United States District Judge